

**ENTERED**

October 12, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA           §  
  §  
VS.                                       §   MAG. JUDGE NO. 2:17-MJ-1015  
  §  
JUAN ENRIQUE ESCOBEDO-MORENO §

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

On October 3, 2017, the defendant Juan Enrique Escobedo-Moreno was arrested at the United States Border Patrol Checkpoint south of Falfurrias, Texas after Border Patrol agents discovered an undocumented alien concealed in the sleeper compartment of the tractor trailer driven by the defendant. The defendant is charged with transporting an undocumented alien in violation of 8 U.S.C. § 1324. On October 6, 2017, the undersigned set a \$25,000 appearance bond with a \$500 cash deposit and other conditions of release. On October 6, 2017, the Government filed a motion to stay the release of the defendant and moved to reopen the detention hearing based on new information being discovered. (D.E. 7). On October 11, 2017, a hearing was held before the undersigned magistrate judge at which the defendant, defense counsel and counsel for the Government appeared in person. The Government presented testimony that several days after the defendant was arrested by United States Border Patrol Agents, the body of a deceased undocumented alien was found in the sleeper compartment of the tractor trailer driven by the defendant.

The undersigned has determined that the following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which the maximum sentence is life imprisonment or death, that offense being knowingly transporting a person unlawfully present in the United States with the intent to further the alien's unlawful presence and that such violation resulted in the death of another person, *see* 8 U.S.C. § 1324(a)(1)(A)(ii), 1324(a)(1)(B)(iv);<sup>1</sup>

(2) There is a serious risk that the defendant will not appear; and

(3) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard and the weight of the evidence is strong. The evidence presented establishes for purposes of this order that the defendant was aware of the presence of two undocumented aliens in the sleeper compartment of the tractor trailer driven by the defendant and that he was transporting the undocumented aliens for financial gain.

Roberto Rico-Duran, one of the undocumented aliens transported by the defendant, was discovered unharmed by Border Patrol Agents at the time of the defendant's arrest. The other undocumented alien, Martin Aleman, was concealed in a compartment under the bed in the sleeper compartment of the tractor trailer. The evidence further indicates Mr. Aleman was unable to remove himself from the compartment without assistance. The evidence presented supports a finding that the defendant was aware Border Patrol Agents had not located Mr. Aleman at the time of the

---

<sup>1</sup> During the detention hearing on October 11, 2017, the undersigned incorrectly stated that the case was a presumption case under the Bail Reform Act. *See* 18 U.S.C. §§ 3142(e)(2) and 3142(e)(3). For purposes of clarification and correction, the defendant is ordered detained pursuant to 18 U.S.C. §§ 3142(e)(1).

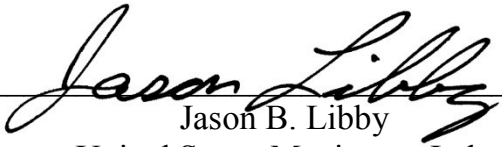
defendant's arrest. In a recorded interview with Border Patrol Agents, the defendant admitted his involvement in unlawfully transporting Mr. Rico-Duran. During this interview, the defendant did not reveal the presence of Mr. Aleman who remained in the tractor trailer. Mr. Aleman was discovered several days later in the compartment, deceased. In a subsequent interview, Mr. Rico-Duran reported to investigating agents that the defendant told the undocumented aliens where to hide in the sleeper compartment before the tractor trailer arrived at the Border Patrol Checkpoint. The conscious disregard of the defendant for the safety of Mr. Aleman weighs heavily against setting bond.

The evidence further indicates the defendant has been apprehended on three separate occasions transporting undocumented aliens in a tractor trailer, most recently in 2014. Homeland Security Investigations Special Agent Jackson Kirkland testified that on one of these occasions, the alien was transported in a similar manner as Mr. Aleman. Additionally, the defendant is a lawful permanent resident of the United States and faces deportation if convicted. These findings are limited to the undersigned's decision regarding detention at this early stage of the proceedings. The findings and conclusions contained in the revised Pretrial Services Report are adopted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver

the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 11th day of October, 2017.

  
\_\_\_\_\_  
Jason B. Libby  
United States Magistrate Judge